

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

ANTHONY B. MCCORMICK,	)	
	)	
<i>Petitioner,</i>	)	No. 4:06-CV-06/4:04-CR-26
v.	)	
	)	<i>Chief Judge Curtis L. Collier</i>
UNITED STATES OF AMERICA,	)	
	)	
<i>Defendant.</i>	)	

**ORDER**

Petitioner Anthony B. McCormick (“Petitioner”) has filed a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. The Court has received a letter addressed to the Chief United States District Judge Curtis L. Collier (Court File No. 11). The letter includes Petitioner’s request that the Court rule in his favor to have an evidentiary hearing and a request for a certificate of appealability if the Court does not rule in his favor. Petitioner cannot expect the Court to take action based on his writing an *ex parte* letter to the Court without filing a proper motion and serving the pleading or motion on the opposing party.

If Petitioner intends to ask the Court to take action and grant him some form of relief, it is necessary, at a minimum, that he file a proper motion with the Court clearly stating the relevant facts and law and making a specific demand for the precise relief he seeks. Any and all such motions must also be served by Petitioner upon the opposing party.

That being said, however, the Court will address Petitioner’s request for an evidentiary

hearing and a certificate of appealability in its opinion analyzing Petitioner's § 2255 motion.<sup>1</sup>

ENTER:

/s/  
**CURTIS L. COLLIER**  
**CHIEF UNITED STATES DISTRICT JUDGE**

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<sup>1</sup> Because of the number of state and federal habeas petitions before this Court, priority in reviewing a petition by the Court is based on the date filed. Petitioner's 28 U.S.C. § 2255 motion was filed on January 25, 2006. At this time there are approximately twenty petitions to be reviewed before the Court can reexamine this case.